

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Moses Sandel,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

Frank, Frank, Goldstein & Nager, P.C.,

**COMPLAINT AND  
DEMAND FOR TRIAL BY JURY**

Defendant(s).  
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Plaintiff Moses Sandel ("Plaintiff" or "Sandel"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Frank, Frank, Goldstein & Nager, P.C. ("Defendant" or "FRANK"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of NY, County of Queens, residing at 7137 69th Place, Ridgewood, NY 11385.

3. Defendant is a collection firm with a principal place of business at 1430 Broadway, New York, NY 10018, and, upon information and belief, is licensed to do business in the State of NY.

4. FRANK is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around March, 2012, Defendant left a voicemail message for Plaintiff with respect to the Alleged Debt. In that communication, the Defendant failed to state that it was a debt collector, attempting to collect a debt and that any information would be used for that purpose.

10. Said failure on the part of defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(11) which mandates that Defendant state that it is a debt collector, attempting to collect a debt, and any information obtained would be used for that purpose.

11. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**

**(Violations of the FDCPA)**

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692e(11).

14. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

15. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Moses Sandel demands judgment from the Defendant Frank, Frank, Goldstein & Nager, P.C., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec.1692k(2)(A):

- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
September 28, 2012

Respectfully submitted,

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